

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
BIG STONE GAP DIVISION**

<b>DON WAYNE McKINNEY,</b>	)	
	)	
Plaintiff,	)	Case No. 2:10CV00061
	)	
v.	)	<b>ORDER</b>
	)	
<b>COMMONWEALTH OF</b>	)	By: James P. Jones
<b>VIRGINIA, ET AL.,</b>	)	United States District Judge
	)	
Defendants.	)	

For the reasons stated in the Opinion accompanying this Order, it is  
**ORDERED** as follows:

1. The plaintiff's petition seeking to file his complaint in forma pauperis is GRANTED;
2. The plaintiff's complaint is DISMISSED without prejudice; and
3. The clerk shall close the case.

ENTER: August 30, 2010

/s/ JAMES P. JONES  
United States District Judge